

1 ROB BONTA
Attorney General of California
2 NORMAN D. MORRISON
Supervising Deputy Attorney General
3 ASHLEY REYES
Deputy Attorney General
4 State Bar No. 312120
2550 Mariposa Mall, Room 5090
5 Fresno, CA 93721-2271
Telephone: (559) 705-2312
6 Fax: (559) 445-5106
E-mail: Ashley.Reyes@doj.ca.gov
7 *Attorneys for Defendants State of California, acting
by and through the California Highway Patrol, and
8 Officer Ramon Silva*

9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 **SANDRA KIRKMAN AND CARLOS**
13 **ALANIZ, INDIVIDUALLY AND AS**
14 **SUCCESSORS-IN-INTEREST TO**
15 **JOHN ALANIZ, DECEASED,**

16 Plaintiffs,

17 v.

18 **STATE OF CALIFORNIA; RAMON**
19 **SILVA; AND DOES 1-10,**
20 **INCLUSIVE,**

21 Defendants.

Case No. 2:23-cv-07532-DMG-SSC

**DECLARATION OF DEPUTY
ATTORNEY GENERAL ASHLEY
REYES IN SUPPORT OF
DEFENDANTS' EX PARTE
APPLICATION FOR
MODIFICATION OF
SCHEDULING ORDER AND
TRIAL CONTINUANCE**

Judge: Honorable Dolly M. Gee
Trial Date: 04/15/2025
Action Filed: 7/28/2023

22 I, Ashley N. Reyes, declare as follows:

23 1. I am an attorney at law, duly licensed to practice before the courts in the
24 State of California and the United States District Court for the Central District of
25 California. I am an attorney with the Office of the Attorney General, California
26 Department of Justice, counsel of record for Defendant State of California, acting
27 by and through the California Highway Patrol ("CHP"), and Officer Ramon Silva.

28 2. I am the attorney responsible for handling the defense of this litigation
on behalf of my clients. As such, I am thoroughly familiar with the legal issues in

1 this matter and, if called upon as a witness, could and would competently testify to
2 each of the matters set forth herein.

3 3. Since the issuance of the Scheduling Order, both parties have engaged
4 in multiple sets of written discovery. Plaintiffs have propounded two sets of
5 Requests for Production of Documents on CHP. In response to these requests, CHP
6 has produced over 3,500 documents. Defendants have propounded two sets of
7 Requests for Production of Documents and two sets of Special Interrogatories on
8 Plaintiff Carlos Alanis. Defendants have also propounded three sets of Requests for
9 Production of Documents and two sets of Special Interrogatories on Plaintiff
10 Sandra Kirkman. Officer Silva, CHP Officer Johnathon Van Dragt, both Plaintiffs,
11 and Decedent's grandparents have all had their depositions taken.

12 4. The Department of Justice, through its California Police Shooting
13 Investigation Team (CaPSIT), had been investigating the shooting involving the
14 Decedent and Officer Silva pursuant to California Government Code § 12525.3,
15 which was enacted by California Assembly Bill 1506. As an attorney that defends
16 CHP officers involved in officer-involved shootings within the DOJ, I am
17 completely walled off from all AB 1506 investigations conducted by the CaPSIT
18 Team and do not have any access to any of this information due to a conflict of
19 interest. The units are physically apart, have no access to each other's files, and
20 keep all activities completely separate. In July 2024, the CaPSIT Team released the
21 AB 1506 report concerning the officer-involved shooting. The report found there
22 was insufficient evidence to support a criminal prosecution of Officer Silva, and
23 reported that twenty-three civilian witnesses were interviewed, but no names or
24 contact information were provided in the report. On July 31, 2024, Plaintiffs served
25 the DOJ with a subpoena duces tecum requesting the AB 1506 investigative
26 materials. These materials were produced by the CaPSIT team on September 11,
27 2024. Multiple audio interviews of witnesses as well as photographs and videos
28 taken by these witnesses were produced as part of these materials. Some of these

1 interviews were conducted in foreign languages such as Spanish and Mandarin
2 Chinese. I immediately sent all the audio interviews to be transcribed and also
3 requested that the audio interviews that were conducted in a foreign language be
4 translated as well. Our office received the transcripts of these audio interviews on
5 October 21, 2024.

6 5. On October 22, 2024, I emailed opposing counsel, Shannon Leap, and
7 asked whether Plaintiffs would be agreeable to stipulating to modifying the
8 scheduling order based on the recent identification of these twenty-three civilian
9 witnesses, as well as the pending motion to compel the Decedents' medical and/or
10 mental health records from the VA. Ms. Leap informed me that lead trial counsel
11 was in trial that week, but she would follow up with him and get back to me. Ms.
12 Leap informed me later that week, on October 25, 2024, that Plaintiffs were not
13 agreeable to stipulating to modify the current scheduling order.

14 6. Should the Court order that Decedent's medical and/or mental health
15 records be produced, additional discovery will be necessary, including but not
16 limited to, additional written discovery to Plaintiffs, additional subpoenas duces
17 tecum, and depositions of individuals identified within the records. Through the
18 various meet and confer efforts regarding the release of these records thus far, as
19 well as the informal discovery conference held October 8, 2024, it has been made
20 known that the records are quite voluminous and contain identities of third parties
21 who may also have information relevant to Plaintiffs claims and/or Defendants
22 damages.

23 7. On November 4, 2024, I contacted Ms. Leap and informed her that my
24 office would be filing an *ex parte* application for Modification of the Scheduling
25 Order and Trial Continuance. Ms. Leap indicated her office would be opposing the
26 request.

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8. This application is being filed due to the upcoming non-expert discovery deadline, as well as the need to complete this discovery, and to allow the experts to review the evidence and formulate their opinions. Plaintiffs' counsel would not agree to stipulate to modify the scheduling order, and there is insufficient time in advance of this application to be heard as a regularly noticed motion prior to the discovery cut off date of November 22, 2024.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed in Fresno, California on November 4, 2024.

/s/ Ashley Reyes
Deputy Attorney General Ashley Reyes

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CERTIFICATE OF SERVICE

Case Name: **Sandra Kirkman, et al. v. State of California, et al.** No. **2:23-cv-07532-DMG-SSC**

I hereby certify that on November 4, 2024, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DECLARATION OF DEPUTY ATTORNEY GENERAL ASHLEY REYES IN SUPPORT
OF DEFENDANTS' EX PARTE APPLICATION FOR MODIFICATION OF
SCHEDULING ORDER AND TRIAL CONTINUANCE**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on November 4, 2024, at Fresno, California.

Carrie Vue
Declarant

/s/ Carrie Vue
Signature